



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Walesh

SUBJECT: SEE BELOW

DATE: February 7, 2013

Approved

Date

2/12/13

COUNCIL DISTRICT: 3

**SUBJECT: APPROVAL OF A LEASE WITH OUR CITY FOREST FOR REAL
PROPERTY LOCATED AT 1590 LAS PLUMAS AVENUE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute a lease with Our City Forest for space in real property located at 1590 Las Plumas Avenue at a below market rental pursuant to Council Policy 7-1.

OUTCOME

Approval of this recommendation will allow Our City Forest (OCF) to lease approximately 10,000 square feet of space at 1590 Las Plumas Avenue for a period of one (1) year with an additional four (4) one year options to extend.

BACKGROUND

The City initiated the establishment of OCF as a community-based nonprofit organization in 1991 with a mandate to help the City meet its urban forestry goals, by involving community volunteers in tree planting projects and ongoing care of newly planted trees. OCF's mission includes public outreach and education activities that enhance, promote and protect a healthy urban forest. In addition, OCF organizes and implements planting projects in the City's parks, rights of way, and in schools located within San José. All of the foregoing functions of OCF provide a significant community service to the citizens of San José. The City provides OCF with an annual operating grant which supports its programs, and serves as base funding for OCF to pursue additional grants from other funding sources such as AmeriCorps and federal and state agencies. The AmeriCorps grant pays for OCF training of AmeriCorps members in tree care and

urban forestry, who then apply their knowledge to OCF's community training workshops, plantings, inspections, pruning, and stewardship of San José trees.

OCF was previously located at 151 W. Mission, in a space shared by Health Services and the Police Department on the Old City Hall campus. Once ownership of 151 W. Mission transferred to the County of Santa Clara, City staff relocated OCF to a portion of the City owned facility located at 1590 Las Plumas Avenue.

ANALYSIS

The recommended lease would provide OCF with approximately 10,000 square feet of office space and associated parking, to conduct its ongoing administrative functions, urban forestry programs, and training space for the AmeriCorps program, all in support of its mandate. OCF is a non-profit organization which qualifies for below-market lease rates in accordance with Council Policy 7-1. The terms of the proposed lease are as follows:

1. The commencement date is retroactive to May 14, 2012.
2. The lease term is one year, with four additional one year options to extend; provided, that either party may terminate the lease, without cause, upon 180 days prior notice. At the conclusion of the lease term, as extended, the lease will convert to a month-to-month tenancy.
3. The rental rate is \$1.00 per month, for a total of \$12.00 per year. This is a below-market rental rate, pursuant to Council Policy 7-1, the provision of which is justified by the community services described above which are either provided from or supported by OCF's use of the proposed premises.
4. OCF will comply with the annual reporting requirements described under Council Policy 7-1.

A lease to OCF would highlight the City of San José's commitment to its urban forest and provide support to valuable community services enjoyed by the residents of the City.

EVALUATION AND FOLLOW-UP

The initial lease term will expire on May 13, 2013, at which time OCF will have the option to extend the term for four additional one year periods in accordance with the terms and conditions identified in the lease agreement.

PUBLIC OUTREACH/INTEREST



Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

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- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The subject lease agreement does not meet any of the above criteria; however, this memorandum will be posted on the City's website for the February 26, 2013 Council agenda.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

FISCAL/POLICY ALIGNMENT

The proposed lease is aligned with Council Policy 7-1 and supports the City of San José's commitment to its urban forest.

CEQA

Not a Project, File No. PP12-096. Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structure, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

/s/
KIM WALES
Director of Economic Development
Chief Strategist

For questions please contact Nanci Klein, Deputy Director, Office of Economic Development at (408) 535-8184.

Attachment

Assessor's Parcel and Aerial Map

